

California Victim Compensation and Government Claims Board Open Meeting Minutes

March 16, 2006

The California Victim Compensation and Government Claims Board (Board) convened its regular session at the call of Rosario Marin, Secretary, State and Consumer Services Agency, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Thursday, March 16, 2006, at 2:00 p.m. Also present were Board members Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller, and Michael Ramos, San Bernardino District Attorney.

Board staff present included Karen McGagin, Executive Officer; Tom O'Connor, Chief Deputy Executive Officer; Kathleen Andleman, Chief Counsel; and Peggy Adams, Manager, Government Claims Program. Tisha Heard, Acting Board Liaison, recorded the meeting.

The Board meeting commenced with the Pledge of Allegiance.

MINUTES

Item 1 The Board voted to adopt the minutes of the February 16, 2006, Board meeting.

Item 2 Public Comment

The Board opened the meeting for public comment. No public comment was offered.

Chairperson Marin requested changing the order of agenda items. Upon approval of the Board members and with no objection from the public, Item 18 was addressed next.

Item 18 Report to the Board on VOCA Funding for Board Consideration/Response

The VOCA funding report informed the Board of potential changes in federal funding available to state programs if reserve funds were eliminated. In response to the report, the Chair relayed that the Governor would include the concern of eliminating the VOCA reserve in his letter to federal officials that discusses federal budget items affecting California. No other action was taken by the Board.

EXECUTIVE OFFICER'S STATEMENT

Item 3 The Executive Officer gave her report to the Board, which included information on the following:

- SCSA Quarterly Customer Service Initiative Meeting Held on March 3, 2006
- VCGCB New Preauthorization Policy Dental Treatment for Victims of Crime
- New VCGCB Web Page for Service Providers
- Presentation of Alameda County Family Justice Center to Victim Advisory Committee
- New Restitution Court in Santa Clara County
- California Research Bureau Releases Study on Penalty Assessments
- Identity Theft Summit
- VCGCB Updates

GOVERNMENT CLAIMS PROGRAM

Item 4 Consent Agenda

The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda with the following changes:

Number 30 **Progressive Motion** **G556701**

This claim was pulled from the agenda.

Number 37 **Mark III Engineering Contractors** **G549910**

Sue Tinsley and James Thompson appeared on behalf of the California Highway Patrol. Tim O'Brien and Ron Neese appeared on behalf of Mark III Engineering Contractors.

At the request of the Board, this claim was continued to the April 20, 2006, Board meeting to be placed on the discuss agenda. The Board requested that additional information be provided.

Number 44 **Sabin, Susan L.** **G554427**

This claim was continued to the April 20, 2006, Board meeting.

Number 89 **Warwick, Joanne** **G557868**

Joanne Warwick and Ramin Naderi appeared.

The Board voted to adopt the staff recommendation to reject the claim.

Number 105 **Franco, Guido** **G557960**

The recommendation on this claim was changed from reject to allow.

Number 106 **McAuliffe, Patrick** **G557964**

The recommendation on this claim was changed from reject to allow.

Number 107 **Hartley, Michael L.** **G557971**

The recommendation on this claim was changed from reject to allow.

Number 108 **MacDonald, Thomas** **G557972**

The recommendation on this claim was changed from reject to allow.

Number 171 **Kahn, Jeffrey L.** **G558291**

Joanne Warwick appeared.

The Board voted to adopt the staff recommendation to reject the claim.

Total Claims	Claims Rejected	Late Claims		Claims Allowed in Whole or Part	Claims Allowed	
		Denied	Granted		Paid via Gov. Code §965	Paid via Claims Bill
197	144	18	0	35	28	7

Item 5 **Alternative Programs, Incorporated** **G540627**
G540703
G540841
G546232
G546236
G552248
G552455

Scott E. Huber, Attorney for Best Best & Krieger, LLP, appeared on behalf of Alternative Programs, Incorporated. Michael Doughton, Senior Staff Counsel, appeared on behalf of the California Department of Corrections and Rehabilitation.

The Board voted to adopt the staff recommendation to reject these claims.

Item 6 **Tenet/Alvarado Medical Center** **G555887**

This item was pulled from the agenda.

Item 7 **Tenet California/Alvarado Medical Center** **G557365**

This item was pulled from the agenda.

Item 8 **Tenet/Alvarado Health System** **G554326**
Tenet/Alvarado Health System **G554805**
Tenet/Alvarado Health System **G554806**

This item was pulled from the agenda.

Item 9 **Desert Air Ambulance** **G555768**
Desert Air Ambulance **G555770**

This item was pulled from the agenda.

Item 10 **Michael H. Song, M.D** **G555775**

The Board voted to adopt the staff recommendation to allow this claim in the amount of \$36,615.00 to be paid by CDCR pursuant to Government Code section 965 (agency pay).

Item 11 **City of San Diego** **G555270**

The Board voted to adopt the staff recommendation to allow this claim in the amount of \$20,821.03 to be paid by Caltrans pursuant to Government Code section 965 (agency pay).

Item 12 **Claim of Bertile Taylor** **G552954**

Peter M. Winkelman, attorney at law, appeared on behalf of Bertile Taylor.
The Board voted to adopt the staff recommendation to reject this claim.

Item 13 **Claim of John A. Dallons and Berna W. Dallons** **G557571**

Suzanne Small appeared on behalf of the Franchise Tax Board and concurred with the staff recommendation.

The Board voted to adopt the staff recommendation to allow this claim in the amount of \$58,353.00 to be paid pursuant to Government Code section 13928 (legislative pay).

Item 14 **Request for Delegation of Authority**

The Board voted to adopt the staff recommendation to extend its delegated authority to the Department of Consumer Affairs to settle and pay or reject timely tort and contract claims which do not exceed \$1,000 each through April 30, 2008.

Item 15 **Protest of Standard Fusee Corporation, Inc.**
Information for Bid No. 54208

Stephen McGee, Senior Staff Counsel, Department of General Services, appeared.

The proposed decision was modified to insert the word "not" at page 6, line 21, to read: "Protestant did not respond to that issue."

The Board voted to adopt the proposed decision as modified to deny the protest of Standard Fusee Corporation, Inc.

Item 16 **Claim of James Barmettler G549225 (Penal Code section 4900)**

The Board voted to adopt the proposed decision to deny the claim.

VICTIM COMPENSATION PROGRAM

Item 17 **Report to the Board on the CaRES Project**

Debra Gonzales, Chief Information Officer, and Errol Thomas, Project Manager, presented the March 2006 CaRES Project Status Report to the Board.

Item 19 **Consent Agenda**

Numbers 1–48 The Board voted to adopt the staff recommendations.

Item 20 **RECONSIDERATIONS RECOMMENDED FOR DENIAL**

Numbers 49–75 The Board voted to adopt the staff recommendations to deny the requests for

reconsideration for item numbers 49 and 51 through 75. Item number 50 was continued.

CLOSED SESSION

Pursuant to Government Code sections 11126(c)(3) and 11126(e), the Board adjourned into Closed Session with the Board's Executive Officer, Chief Deputy Executive Officer, and Chief Counsel at 3:03 p.m. to deliberate on the proposed decisions for agenda item numbers 76 through 98 and to confer with and receive advice from legal counsel regarding pending litigation.

The Board reconvened into open session at 3:05 p.m.

The Board voted to adopt the proposed decisions for item numbers 76 through 98.

ADJOURNMENT

The meeting was adjourned at 3:07 p.m.

KAREN McGAGIN
Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of April 20, 2006, at Sacramento, California.

Date: April 20, 2006 By: _____
Tisha D. Heard
Acting Board Liaison

(Affix seal here)